

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

In re: April Lynn Hite  
*fka* April Lynn Flath

)  
)

Case No: 19-34196  
Chapter 13

**OBJECTION TO CONFIRMATION**

**COMES NOW**, Susan H. Call, Counsel for Carl M. Bates the Chapter 13 Trustee, and moves this Court to deny confirmation of the Chapter 13 Plan filed on August 13, 2019, for the cause as follows:

1. The Debtor filed this Chapter 13 Petition on August 13, 2019 under 11 U.S.C. Chapter 13, now pending in the United States Bankruptcy Court, Eastern District of Virginia, Richmond Division.
2. This Objection is filed pursuant to 11 U.S.C. 1325.
3. The above filed Chapter 13 Plan fails to pay the equivalent distribution to unsecured creditors that they would receive under the Chapter 7 liquidation analysis, shown by:
  - a. The plan proposes to pay the unsecured creditors approximately 0% where upon testimony and belief there is enough equity in assets, specifically, real estate, that would pay a 100% dividend to unsecured creditors if the property was liquidated.
  - b. The debtor has new employment that increases income, so that should be disclosed on Schedule I.
  - c. The Trustee would propose the distribution to unsecured creditors needs to be equivalent to the amount they would receive under a Chapter 7 liquidation analysis.

WHEREFORE, for the reasons stated herein, the Chapter 13 Trustee, by Counsel, Susan H. Call, respectfully moves the Court to deny confirmation of the Debtors' proposed Chapter 13 Plan as filed with the Court, and for such further and other relief as in the premises may seem just.

Date: October 11, 2019

/s/Susan H. Call  
Susan H. Call, Counsel for  
Carl M. Bates  
Chapter 13 Trustee

**Certificate of Service**

I hereby certify that on October 11, 2019, I have mailed or hand-delivered a true copy of the foregoing Objection to Confirmation to the debtor(s), April Lynn Hite, 1102 Walker Dr, Fredericksburg, VA 22401 and electronically sent to debtor's attorney, Mark Joseph Dahlberg, Esquire, mark.dahlberg1@gmail.com.

/s/Susan H. Call  
Susan H. Call, Counsel for  
Carl M. Bates, Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

In re: April Lynn Hite ) Case No: 19-34196  
fka April Lynn Flath ) Chapter 13

Debtor Address 1102 Walker Drive  
Fredericksburg, VA 22401

Last four digits of Social Security No(s): 2633

**NOTICE OF OBJECTION TO CONFIRMATION**

Susan H. Call, Counsel for Carl M. Bates the Chapter 13 Trustee, has filed papers with the Court objecting to confirmation of your Chapter 13 Plan, which was filed in this case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).**

If you do not want the Court to grant the relief sought in the Objection, or if you want the Court to consider your views on the Objection, then on or before three (3) days before the date of the hearing, you or your attorney must:

  X   File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court  
701 East Broad Street, Suite 4000  
Richmond, VA 23219

You must also mail a copy to:

Susan H. Call, Counsel for  
Carl M. Bates  
Chapter 13 Trustee  
P.O. Box 1819  
Richmond, VA 23218

\_\_\_\_\_ Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**

  X   Attend the hearing on the objection scheduled to be held on **October 23, 2019** at **11:10 am** at United States Bankruptcy Court, **701 East Broad Street, Richmond, VA 23219, Room 5000.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the objection and may enter an order granting that relief.

Date: October 11, 2019

/s/Susan H. Call  
Susan H. Call, Counsel for  
Carl M. Bates  
Chapter 13 Trustee  
P.O. Box 1819  
Richmond, VA 23218-1819  
VSBN 34367

### **Certificate of Service**

I hereby certify that on October 11, 2019, I have mailed or hand-delivered a true copy of the foregoing Notice of Objection to Confirmation to the debtor(s) April Lynn Hite, 1102 Walker Dr, Fredericksburg, VA 22401 and electronically sent to debtor's attorney, Mark Joseph Dahlberg, Esquire, mark.dahlberg1@gmail.com.

/s/Susan H. Call  
Susan H. Call, Counsel for  
Carl M. Bates  
Chapter 13 Trustee